

## REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by applicant(s) and undersigned attorney. Reconsideration is respectfully requested.

As the Office Action was “Final”, this reply is submitted with a Request for Continuing Examination (RCE) under the provisions of 37 C.F.R. §1.114.

### **1. Summary of the Office Action.**

Claims 1-12 were pending.

Claims 1-10 stand rejected under 35 U.S.C §112, second paragraph.

Claims 1-8 and 12 stand rejected under 35 U.S.C §102(b) over Price, No. 5,934,354.

Claims 9-11 stand rejected under 35 U.S.C §103(a) over Price and further in view of Yoshino, No. 7,108,241.

### **2. Discussion.**

#### **Drawing Objections**

The examiner objected to Fig. 1 under 37 CFR 1.83(a) with respect to a showing of the claimed integral spool and skirt, and its clarity. Applicant notes that the view shown in Fig. 1 is a diagrammatic, *part*-sectional view. The dashed lines denoting parts of the spool 12 indicate that this component is

partially hidden as the corresponding parts of the spool are not shown in the section. The angled lines identified by the Examiner are showing the upper surface of the angled, conical upper wall 28 of the skirt, and the drawing already shows the skirt as being integrally formed with the spool. Applicant amended the specification to conform the text disclosure with the disclosure of the drawings. No new matter is added by this amendment. Withdrawal of the objection is respectfully requested.

### **Claim Objections and Rejections - 35 USC §112, Second Paragraph**

**Claims 1-10.** These claims were objected to based on informalities or rejected under 35 USC §112, second paragraph. **Claims 1 and 6** have been amended correct the informalities noted by the examiner. **Claim 2** has been canceled. The examiner is thanked for pointing out the informalities. Amended Claims 1 and 6 are believed to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Withdrawal of the rejection is requested.

### **Claim Rejections - 35 USC §102-103**

**Claim 1.** Claim 1 rejected under 35 USC §102(b) as being anticipated by Price. In reply to the rejection, **Claim 1** is further amended to require that the spool and the skirt are integral with one another and patentably distinguish from the applied prior art.

The integral spool and skirt is important as it ensures that water draining from the barrier material, in use, passes radially outward, around and past the spring rather than impinging upon, and causing corrosion of the spring.

In Price, the spool and skirt are separate components. During use, the components are connected to one another. However, because they are not integral with one another, water may pass between them and be a problem. As, functionally, the Price components do not operate as if they were integral, Applicant respectfully asserts that they should not be treated as being integral in the manner suggested by the Examiner.

Applicant further traverses the rejection on the grounds that the construction of Price applied by the Examiner is improper. Claim 1 as originally presented requires a support and a spool supported for rotation by the support. The examiner construes spring 50 as the spool. The spring 50 is not supported for rotation. Rather, it deflects in use. As now amended, claim 1 also requires the spool and skirt to be integral with one another. The integers 50 and 58 as cited by the Examiner are not integral with one another and, in use, deflection of the spring 50 which must occur for the device to operate, means that it would be impractical if not impossible for these components to be integral with one another. In addition, the function of the spring 78 would be negated.

For these reasons, the claimed structure and function of the invention is not literally shown, suggested or made obvious by the applied art. The differences are patentably significant because they relate directly to advantages and benefits of the invention. Withdrawal of the rejection is respectfully requested.

**Claim 11.** Independent claim 11 is canceled with prejudice. Applicant's attorney apologizes for overlooking this claim in the prior Reply.

**Claim 12.** Independent claim 12 is canceled without prejudice to clarify the issues in this case and thereby expedite the case to finality.

**Claim 13.** This dependent claim is new. It requires that the integral spool and skirt structure specifically function to drain water from the skirt, radially outwardly, around and past the spring. This function is clearly not shown or rendered obvious in the applied art. The claim is believed to be patentable for this reason in addition to those urged with respect to its base claim 1 (Currently Amended).

**Remaining Claims.** The remaining dependent claims each adds at least one limitation to the elements of its base claim, and is therefore deemed to be allowable with such base and any intervening claim, at least for this reason.

### **3. Conclusion.**

The pending claims are believed to be patentable for the reasons stated above. The amendments are supported by the specification, claims and drawings as filed. It is believed that this case is in a condition for allowance. Reconsideration and favorable action are respectfully requested.

**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, she is invited to call at the number below.**

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

ANY FEES DUE ARE CALCULATED AS FOLLOWS:		<u>NUMBER</u>	<u>FEE</u>
TOTAL Claims Remaining over that Previously Paid:		None	\$
INDEPENDENT Claims Remaining over that Previously Paid:		None	\$0
	SUM Claim Fees:		\$0
EXTENSION Fees:			\$525
OTHER Fees:	RCE		\$405
	<u>TOTAL AMOUNT (if any)</u>		\$ 930
<input type="checkbox"/> Paid by enclosed check.			
<input checked="" type="checkbox"/> Paid by enclosed Credit Card Payment Form(s) PTO-2038.			

Respectfully submitted,



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